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10/736,634	12/17/2003	Lieven Leopold Albertine Trappeniers	Q78312	4745

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EXAMINER
GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
2433	

NOTIFICATION DATE	DELIVERY MODE
10/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2010*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15, 18 and 19* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-15 and 18-19* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-6 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kanada et al., (US Publication No. 2002/0194317), (hereinafter Kanada), and

further in view of Chen et al., (US Publication No. 2002/0018487), (hereinafter Chen)

and McDysan et al., (US Patent No. 7,046,680), (hereinafter McDysan).

Regarding claims 1 and 8-15, Kanada discloses (a) at said terminal [network device]

(1), generating a service-selection-signal and transmitting said service-selection-signal

(100,101) from said terminal (1) to a service-selection-server (9) [Kanada, paragraphs

42-43 and 65],

(b) at said service-selection-server [policy server] (9), in dependence of a service-

definition-signal, obtained by said service-selection server (9), generating a

configuration-signal [Kanada, paragraphs 70 and 153-154] and

transmitting said configuration-signal to said access system [Kanada, paragraphs 44-

45] (4),

(d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with

said service-providing-server (6) or said other terminal via the protocol coupling (3)

defined by at least one service parameter, wherein said communicating (107,108)

comprises an exchange of signals that comprise said at least one service parameter

[Kanada, paragraphs 70 and 153-154].

Kanada does not specifically disclose

for configuring (104) at least parts of said protocol couplings (3)

and in at least parts of the protocol couplings (3) wherein said service-information signal

defines a protocol coupling (3) to be used;

(c) at said service-selection-server (9), generating a service-information-signal and

transmitting said service-information-signal (105) to said terminal (1) and/or said

interface (2) to inform about the configurations made in at least parts of the access

system (4)].

However, Chen, in the same field of endeavor discloses, configuring a multiple protocol

mobile station by changing the configurable parameters [Chen, paragraphs 39-40 and

44].

It would have been obvious to one having ordinary skill in the art at the time the
invention was made to include multiple configurable protocols in order to provide the
most efficient protocol for the use intended.

Further, McDysan, in the same field of endeavor discloses PAD 40, sending RBSC 120
a message [McDysan, column 17, lines 15-18], RBSC sending out a policy change
[McDysan, column 17, lines 26-29] and RBSC sending a confirmation message to PAD
40 [McDysan, column 17, lines 30-39].

It would have been obvious to one having ordinary skill in the art at the time the
invention was made to include a confirmation message in order to allow the requestor to
know that the request had been carried out.

Regarding claim 2, Kanada-Chen-McDysan further discloses at said service-selection-
server (9), in dependence of said service-selection-signal, generating said service-
definition-signal [Kanada, paragraphs 70 and 153-154].

Regarding claim 3, Kanada-Chen-McDysan further discloses at said service-selection-
server (9), receiving said service-definition-signal from said service-providing-server (6)
or said other terminal defined by said service-selection-signal [Kanada, paragraphs 70
and 153-154].

Regarding claim 4, Kanada-Chen-McDysan further discloses wherein said coupling-

interface (2) is coupled to a permanent channel [Kanada, paragraph 70], with said step

(d) comprising the steps of (d1) at said terminal (1) and/or said coupling-interface (2)

[Chen, paragraph 40], in dependence of said service-information-signal, configuring at

least parts of said terminal (1) and/or of said coupling interface (2), and of (d2) at said

terminal (1) and/or said coupling-interface (2), setting up a virtual connection from said

coupling-interface (2) to said access system (4) [Chen, paragraphs 39-40], and of (d3)

at said access system (4) [Kanada, paragraphs 42-43 and 65], setting up a virtual

connection from said access system (4) to said service-providing-server (6) or said

other terminal, and with said service parameter being supplied to said terminal (1)

and/or said coupling-interface (2) [Chen, paragraphs 39-40] via said service-

information-signal [Kanada, paragraphs 70 and 153-154].

Regarding claim 5, Kanada-Chen-McDysan further discloses wherein said coupling-

interface (2) is not coupled to said access system (4) via a permanent channel, with

said step (a) comprising the steps of (a l) at said terminal (1) and/or said coupling-

interface (2), in dependence of said service-selection-signal, setting up a virtual

connection from said coupling-interface (2) to said service-selection-server (9) and of

(a2) at said terminal (1) and/or said coupling-interface (2), in dependence of said

service-selection-signal [Chen, paragraphs 12 and 44, VMI], configuring at least parts of

said terminal (1) and/or said coupling-interface (2), and with said step (d) comprising the

step of (d3) at said access system (4), setting up a virtual connection from said access

system (4) [Chen, paragraphs 40 and 44] to said service-providing-server (6) or said

other terminal, and with said service parameter being prestored in said terminal (1)

and/or said coupling-interface (2) [Chen, paragraph 39].

Regarding claim 6, Kanada-Chen-McDysan further discloses said step (d) comprises

the step of (d4) at said terminal (1) and/or said coupling-interface (2), in dependence of

said service-information-signal, re-configuring at least parts of said terminal (1) and/or of

said coupling-interface (2) [Chen, paragraphs 40 and 44] to said service-providing-

server (6) or said other terminal, and with said service parameter being prestored in

said terminal (1) and/or said coupling-interface (2) [Chen, paragraph 39].

Regarding claim 18, Kanada-Chen-McDysan further discloses wherein the service-

selection-signal indicates one of a video-on-demand service, an audio/video call, and a

voice-over-internet- protocol call [Kanada, paragraph 38].

3.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada-

Chen-McDysan further as applied to claim 1 above, and further in view of Jones, (US

Publication No. 2002/0176547).

Regarding claim 7, Kanada-Chen-McDysan does not specifically disclose said method

comprises the step of (e) at said access system (4), billing packet-signals (to be)

exchanged (109) between said terminal (1) and/or of said coupling-interface (2) on the

one hand and said service-providing-server (6) or said other terminal on the other hand.

However, Jones discloses the use of a usage based packet billing system [Jones, paragraph 32, lines 12-21].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Jones to include the use of providing a usage based packet billing system in order to bill for packets.

4.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada-Chen-McDysan as applied to claim 1 above, and further in view of Westfall et al., (US Patent No. 6,449,650), (hereinafter Westfall).

Regarding claim 19, Kanada-Chen-McDysan does not specifically disclose wherein the service-definition-signal comprises the at least one service parameter indicating at least one of a bandwidth and a priority which are used to communicate between the terminal and one of the service-providing-server and the other terminal.

However, Westfall in the same field of endeavor discloses that a priority is placed on certain types of transmissions, which will require a higher bandwidth [Westfall, column 1, lines 30-44].

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to include a bandwidth and priority requirement for different types

of data packets in order to provide the user with the best service level for the expected

type of services, such as higher bandwidth for video signal and a lower bandwidth and

priority for email. It would have been obvious to combine Kanada-Chen-McDysan with

Westfall as each art relates to network communications.

Response to Arguments

5.   Applicant's arguments filed 08/09/2010 have been fully considered but they are

not persuasive.

A – Applicant argues "Accordingly, in the cited portions, Kanada describes receiving the

request from a user or an application program. Such application program request may

be coming from one of the clients. Accordingly, the Examiner's interpretation regarding

the application server as allegedly teaching the claimed terminal is incorrect.

Additionally, Kanada does not mention generating a service-selection-signal at either

the router or the application server (alleged "terminals") and transmitting this signal from

the alleged terminal to the policy server (alleged service-selection-server).".

A – The Examiner disagrees: The applicant does not specifically define what is the

terminal or what is the service selection signal, See instant specification, paragraph 11,

"a user terminal has got the option of selecting one out of many services (services are

not specifically defined)". As such, Kanada discloses a selection [Kanada, paragraph

43] which is sent to a server for selecting changes that may be made based on the

selection [Kanada, 43, 44 and 65], it is obvious that if a selection is made, the selection

must be sent to the policy server, the terminal can be the user requesting the change or

the network device the application program resides on.

B – Applicant argues "Claim 1 further recites "the terminal is coupled to a coupling-

interface able to communicate with the access system by protocol couplings." The

Examiner does not provide support in the cited prior art for the claimed coupling-

interface communicating with the access system by protocol couplings. Absent support,

the rejection is improper. ".

B – The Examiner disagrees: The preamble is not given patentable weight unless the

body of the claim describes the limitation. Further, Kanada describes a terminal

connected to the network consisting of various network elements including a policy

server etc [Kanada, paragraphs 43, 44 and 65], It is obvious that a network device is

connected via a protocol coupling to the network. Further, applicant has not specifically

defined what the protocol couplings are (see instant specification, paragraph 11 for

examples, such as surfing the web, etc).

C – Applicant argues "Claim 1 recites "at said service-selection-server ... generating a

configuration-signal and transmitting said configuration-signal to said access system for

configuring ... said access system and ... said protocol couplings." Kanada describes

sending a policy to interfaces 123, 124, and/or 125 of the alleged access system (router

121). (Paragraph 39). However, Kanada does not teach or suggest at least "transmitting

said configuration- signal to said access system for configuring ... said protocol

couplings." Even though Kanada may be teaching sending policy to interfaces between

the alleged access system and the client, the policy is not sent to configure the

interfaces which are used for communications between the alleged access system and

the coupling-interface, as claimed.".

C – The Examiner disagrees: Instant specification defines that access system as being

connected via said network (access system is not specifically defined, other then

allowing access from point A to point B). Kanada describes that a change is sent to the

policy server which then sends out a change to be made to different network devices,

these devices are part of the network which the terminal is connected to which provide

access from the terminal to other portions of the network via routers, switches, etc

[Kanada, paragraphs 70, 153-154 etc].

D – Applicant argues "Chen describes a virtual machine interface (VMI) to allow a

programmer to configure the mobile station. The hardware of mobile device is

configured to work with various communication protocols by changing values of the

parameters of table 207. (Paragraphs 9 and 39-40). Thus, Chen may be teaching

changing parameters values to configure the mobile station protocol. However, Chen

does not teach or suggest "transmitting said configuration-signal to said access system

for configuring ... said protocol couplings," wherein the protocol couplings are used for

communications between the access system and the coupling-interface, as claimed.

Accordingly, Applicants respectfully submit that the Examiner's proposed combination

does not teach or suggest at least "the terminal is coupled to a coupling-interface able

to communicate with the access system by protocol couplings, ... at said service-

selection-server ... generating a configuration-signal and transmitting said configuration-

signal to said access system for configuring ... said access system and ... said protocol

couplings."."".

D – The Examiner disagrees: Chen discloses configuring a protocol mobile station

[Chen, paragraphs 39-40 and 44]. McDysan discloses sending out a confirmation (of a

policy change) [McDysan, column 17, line s30-39].

E – Applicant argues "Chen does not teach or suggest "generating a service-

information-signal, ... wherein said service-information signal defines a protocol coupling

to be used."."".

E – The Examiner disagrees: Kanada discloses "generating a service-information-

signal, ... wherein said service-information signal defines a protocol coupling to be

used.", see claim 1 rejection above and arguments of "C".

F – Applicant argues "Accordingly, in the cited portions, McDysan describes a RESV message containing the bandwidth requirements. To the contrary, claim 1 recites "said service-information signal defines a protocol coupling to be used." That is, the service-information signal informs the terminal and/or the coupling-interface which protocol coupling is to be used.".

F – The Examiner disagrees: Chen discloses various protocols can be used [Chen, paragraph 40] in combination with Kanada who discloses the signal that can send for a policy change.

G – Applicant argues "Additionally, the Examiner does not address the explicitly recited features of independent claims 8-15. For example, claim 8 recites among other elements: "Access system ... comprising: (a) a receiving processor-system-part that receives a configuration-signal ... (b) a configuring processor-system-part that ... configures ... said access system and ... said protocol couplings, and (c) a generating/forwarding processor-system part for generating/forwarding a service-information-signal..." Claim 10 recites among other elements: "Service-selection-server ... comprising: (a) a receiving processor-system-part that receives a service-selection-signal ..., (b) a configuring processor-system-part that ... generates a configuration-signal and transmits said configuration- signal ..., and (c) a generating processor-system-part that generates a service-information-signal and transmits said service-information-signal..." Claim 12 recites among other elements: "Terminal ... comprising:

(a) a selecting processor-system-part that generates a service-selection-signal and transmits said service- selection-signal ..., (c) a receiving processor-system-part that receives a service-information- signal ..., and (d) a communicating processor-system-part that communicates with said service- providing-server or said another terminal ..."

Claim 14 recites among other elements: "Coupling-interface ... comprising: (a) a transceiving processor-system-part that receives a service-selection-signal ..., (c) a receiving processor-system-part that receives a service-information-signal ..., and (d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal ...".".

G – The Examiner disagrees: Each part referenced in above argument relates to a receiving processor system part or similar. The Examiner has referred to network devices (network devices described as client machines, servers, routers etc), the network devices are computers (with processors and other applicable hardware elements).

H – Applicant argues "Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, McDysan, and Jones. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention as made to modify Westfall to include the use of packet billing system in order to bill for packets. (See Office Action, page 7, paragraph 1).".

H – The Examiner disagrees: billing for packets or network services is a well known

concept by one of average skill in the art at the time of the invention. Sending packets

and then billing for them would have been obvious and combining Jones with Kanada-

Chen-McDysan would be obvious as Jones relates to a data communication network

(related art area to Kanada-Chen-McDysan).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers

in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the cited passages as taught by the

prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested

that applicant clearly indicate the portion(s) of applicant's specification that support the

amended claim language for ascertaining the metes and bounds of applicant's claimed

invention

     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is

(571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM -

4:00 PM EST.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJG/
10/23/2010

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445